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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,182	05/04/2006	Toshie Takeuchi	290407US3PCT	4578

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EXAMINER	
CHAN, KAWING	

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
04/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/578,182	TAKEUCHI ET AL.	
	Examiner	Art Unit	
	Kawing Chan	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/04/6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/04/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramos (US 5,717,174).

In Re claim 3, with reference to Figure 1, Ramos discloses:

- an actuator having a movable portion (4) displaceable between an actuation position where a safety stop device (1, 6) of an elevator is actuated and a normal position where the actuation of the safety stop device (1, 6) is released, and an electromagnetic coil (9) fro displacing the movable portion (4) by causing a current to flow through the electromagnetic coil (9) (Col 1 line 9 to Col 2 line 25; Col 5 lines 53-61);

- a feeder circuit (Figure 2: 23) for supplying an amount of electricity required for a semi-operation (hold the movable portion 4 in the brake released position) to the electromagnetic coil (9), the amount of electricity required for the semi-operation being less than that required for a full operation (move the movable portion 4 from the brake actuated position to the brake released position) for displacing the movable portion from the normal position to the actuation position (Col 5 line 8-61).

As per MPEP 2112.02, it can be assumed the device will inherently perform the claimed process when the prior art device is the same as a device described in the specification for carrying out the claimed method. *In re King,* 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

In Re claim 7, with reference to Figure 1, Ramos discloses a load portion (3) for generating a drag acting against displacement of the movable portion (4) in a direction approaching the actuation position.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramos (US 5,717,174) in view of Mianzo et al. (US 2003/0107017 A1).

In Re claims 1-2, with reference to Figure 1, Ramos discloses an actuator having a movable portion (4) displaceable between an actuation position where a safety stop device (1, 6) of an elevator is actuated and a normal position where the actuation of the safety stop device (1, 6) is released (Col 1 line 9 to Col 2 line 25; Col 5 lines 53-61).

Ramos fails to disclose the movable portion displacing between the normal position and the semi-operation position.

However, Mianzo discloses an electromagnetic valve actuator (10) comprising a movable portion (36) which is capable of displacing between the open position (Fig. 1A), the middle position (Fig. 1B) and the closed position (Fig. 1C) by adjusting the amount of current flows through the electromagnetic coil (38, 40) (Paragraphs [0012, 0015, 0016]). As per MPEP 2112.02, it can be assumed the device will inherently perform the claimed process when the prior art device is the same as a device described in the specification for carrying out the claimed method. *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Ramos with the teachings of Mianzo, since it is known in the art to utilize an electromagnetic valve actuator to provide infinite variability for the duration and timing of the open and close cycles (Paragraph [0004]).

4. Claims 4-5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramos (US 5,717,174) in view of Takeuchi et al. (US 2002/0044403 A1).

In Re claims 4-5, Ramos has been discussed above, but it fails to disclose the feeder circuit comprises a capacitor and a resistor.

However, Takeuchi discloses a feeder circuit (Figure 2) of a switching apparatus (Paragraph [0050]) comprises a capacitor for supplying electricity to the electromagnetic coils (10a, 10b, 11, 12) and a resistor for consuming a part of the amount of electricity (Figure 2) (Paragraph [0051]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Ramos with the teachings of Takeuchi, since it is known in the art to utilize capacitor as power storage device to provide electricity and it is also known in the art to utilize resistor to consume power of a circuit.

In Re claims 8-9, with reference to Figure 1, Ramos discloses a load portion (3) for generating a drag acting against displacement of the movable portion (4) in a direction approaching the actuation position.

5. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramos (US 5,717,174) in view of Sadamori (JP 08061405 A).

In Re claim 6, Ramos has been discussed above, but it fails to disclose a detection portion.

However, Sadamori discloses a brake checking device includes a displacement detector (18) for detecting displacement of the movable portion (1, 17) by comparing the detected voltage change according to the amount of displacement with a preset reference voltage (Abstract; Paragraphs [0012-0014]). Therefore, it would have been obvious to one skilled in the art to determine the displacement of the movable portion at any position between the normal and actuated position by comparing the detected voltage change with the preset reference voltage.

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Ramos with the teachings of Sadamori, since it is known in the art to utilize a detector for detecting the operating state of an electromagnetic brake so as to be able to inspect the operating condition of the electromagnetic brake.

In Re claim 10, with reference to Figure 1, Ramos discloses a load portion (3) for generating a drag acting against displacement of the movable portion (4) in a direction approaching the actuation position.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seo et al., Yuuki, Bjorknas et al. and Esch et al. are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENTSU RO/
Primary Examiner, Art Unit 2837